

September 2003 Unified Program Newsletter

IN THIS ISSUE:

- 1. Cal/EPA** **Unified Program Bulletins
Draft Proposed Title 27 Documents
Contract with Office of Administrative Hearings
State Surcharge
Evaluation Process Changes**
- 2. SWRCB** **UST Inspectors' Workshop
Training Plus Regulations
California UST System Operator Exam**
- 3. OES** **CalARP Program Administering Agency Guidance Document**
- 4. DTSC** **Arizona TSDF Closure and Manifest Exception Reports**

Cal/EPA

Unified Program Bulletins

Unified Program Bulletins are administrative memos sent to all unified program agencies and/or other interested parties. Cal/EPA has set up a new [bulletins page](#) on its website.

Draft Proposed Title 27 Documents

As discussed in the August 2003 newsletter, the documents have now been posted on the Unified Program [Laws and Regulations page](#).

Contract with Office of Administrative Hearings

A contract to provide CUPAs with Administrative Law Judge hearings on AEOs has been renewed. Guidance on how to access the services provided in the contract is available on the Unified Program website [publications page](#).

State Surcharge

CalEPA has prepared a bulletin titled [Response to Comments on Proposed State Surcharge](#) to address comments received on the proposed surcharge published in the California Regulatory Notice Register in late May 2003. Cal/EPA expects the new rates to be published in late September and will notify all CUPAs by regular mail of the new rates and the date these need to be included in Unified Program bills. All Unified Program Agencies and other interested parties will also be notified via the Unified Program list server once publication occurs.

Evaluation Process Changes

Beginning last month with the Placer County CUPA evaluation, Cal/EPA and the other state agencies have changed the way CUPA evaluations are conducted and Evaluation Reports are issued. Some key changes include:

- The oversight inspections and fire agency visits are now conducted prior to the actual "office visit."
- The "office visit" is scheduled for one-day.
- The evaluation team is using a single consolidated checklist, which will be placed on the Cal/EPA website.
- A "Summary of Findings" is now left with the CUPA at the conclusion of the evaluation in lieu of preparing a Draft Report.

- CUPAs will have 30 days to respond to each deficiency identified in the "Summary of Findings." The response should identify the action proposed to correct problems. The response is not expected to report the actual correction of all deficiencies within this short timeframe. Future follow-up will track completion of planned corrections.
- An "Evaluation Report" will be completed and distributed approximately 90 days after the conclusion of the "office visit" and will include the CUPA's response in the same way the "Final Report" has done in the past.

These changes are expected to reduce the total time it takes to complete an evaluation report by half (3 months) and make the entire process more useful for everyone. If you have any questions regarding the evaluation process changes, contact [John Paine](#), Staff Environmental Scientist at (916) 327-5092.

State Water Resources Control Board

UST Inspectors' Workshop

The monthly UST Inspectors' Workshop will take place on September 16, 2003. Please refer to the following electronic flyer for details: <http://www.swrcb.ca.gov/ust/docs/workshop/info.html>

Training Plus Regulations

The revised training plus regulations will be issued for a second 15-day comment period in September 2003. Please refer to the following web link, which will be updated when the latest version of the regulations is available: http://www.swrcb.ca.gov/ust/legal/new_regs/

California UST System Operator Exam

The California UST System Operator Exam, prepared by the International Code Council (ICC) is available. For additional information:

http://www.swrcb.ca.gov/cwphome/ust/legal/trng_exam/index.html

Governor's Office of Emergency Services

CalARP Program Administering Agency Guidance Document

OES has finalized the CalARP Program Administering Agency Guidance Document. OES hopes the document will prove to be a valuable tool in implementing the CalARP Program at the local government level. OES appreciates the comments provided by CUPA Forum Board representatives as well as input received from Unified Program Agencies at the 2003 CUPA Conference. The input was invaluable in tailoring pertinent sections toward a local government perspective.

The CalARP Program Administering Agency Guidance Document is available at OES' website at:

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/CalARPGuidance828/\\$file/guidance.doc](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/CalARPGuidance828/$file/guidance.doc). If you do not have Internet access, you may request a hardcopy by contacting the OES Hazardous Materials Unit at (916) 845-8741.

Department of Toxic Substances Control

Arizona TSDF Closure and Manifest Exception Reports

Innovative Waste Utilization (IWU) in Phoenix, Arizona (AZD980892731) is a permitted Storage and Transfer facility accepting RCRA waste. This facility's authorization to accept hazardous waste was suspended by the Arizona Department of Environmental Quality (ADEQ) on February 26, 2003. Many generators are having difficulty obtaining signed manifest copies from IWU because it is closed and many IWU documents were seized under a search warrant, including manifests. Those manifests have not been returned to the generators or to the California Department of Toxic Substances Control (DTSC) within 30 days, as required by law, thereby creating the requirement for generators to submit a Manifest Exception Report to DTSC.

Generators that have not received the TSD copy may be able to obtain a copy of the manifest signed by IWU from the transporter who delivered the shipment.

Generators of over 1000 kg of hazardous waste per month are required to submit this report 45 days after the date of shipment. California Code of Regulations, title 22, division 4.5, chapter 12, article 4, section 66262.42(b) states

“a generator shall submit an Exception Report to the Department if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The exception report shall include: (1) a legible copy of the manifest ..., and (2) a cover letter signed by the generator... explaining the efforts taken to locate the hazardous waste...”

However, most generators of less than 1,000 kg of hazardous waste per month are allowed 60 days to file this report pursuant to Health and Safety Code section 25123.2(h):

“(1) Notwithstanding paragraph (1) of subdivision (b), a generator of less than 1,000 kilograms of hazardous waste in any calendar month ... is not a storage facility if all of the following apply:

(A) The quantity of hazardous waste accumulated onsite never exceeds 6,000 kilograms.

(B) The generator complies with the requirements of subdivisions (d), (e), and (f) of Section 262.34 of Title 40 of the Code of Federal Regulations.

(C) The generator does not hold acutely hazardous waste or extremely hazardous waste in an amount greater than one kilogram for a time period longer than that specified in paragraph (1) of subdivision (b).

(2) A generator meeting the requirements of paragraph (1) who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the facility to which the generator's waste is submitted, within 60 days from the date that the hazardous waste was accepted by the initial transporter, shall submit to the department a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery.”

Generators that are unable to obtain a copy of the manifest signed by the TSD must submit a manifest exception report to:

DTSC
Generator Information Services Section
P. O. Box 806
Sacramento, CA 95812-0806

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to Anie Wilson at (916) 327-9559 or awilson@calepa.ca.gov.

[Cal/EPA Unified Program Home Page](#)